



IFW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Vrba
Application No.:	10/807733
Filed:	March 24, 2004
For:	Balloon Expandable Stent with a Self-Expanding Portion
Group Art Unit:	3731

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2N-6927-US04

TRANSMITTAL LETTER

1. In regard to the above-identified application, in addition to this 2 page transmittal letter, we are submitting the attached: 12 page Information Disclosure Statement and post card.
2. With respect to fees:
 No additional fee is required.
 Attached is check(s) in the amount of \$
 Charge additional fee to our Deposit Account No. 22-0350.
3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**
This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350.



Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date:

By:

James M. Urzedowski
Registration No.: 48596

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Certificate Under 37 CFR 1.8: I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to Mail Stop Amendment, Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450, on

6-25-04

Julie Emerson
Julie Emerson



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Vrba
Application No.:	10/807733
Filed:	March 24, 2004
For:	Balloon Expandable Stent with a Self-Expanding Portion
Examiner:	Todd Messal, Esq.
Group Art Unit:	3731

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2N-6927-US04

INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached form listing the cited references and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, *except that* U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If the form listing the cited references or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is prior art, or is or is considered to be, material to patentability as defined in §1.56.

Applications that are listed on the accompanying form listing the cited references as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the form listing the cited references and/or 892 forms from these cases.

 I. This statement qualifies as a no-fee Information Disclosure Statement under *37 C.F.R. §1.97(b)* or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- (1) within 3 months of the filing date of the application (other than a CPA); or
- (2) within 3 months of entry of the national stage; or
- (3) before the mailing of a first Office Action on the merits;
- (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- (5) as part of a continued prosecution application (CPA); or
- (6) during the period of a suspension of action for a CPA under *37 C.F.R. §1.103(b)*.

 II. This statement is believed to require a fee or the submission of a certification under *37 C.F.R. §1.97 (c)* or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

- (1) a certification as specified in §1.97(e) is provided below; or
- (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

III. 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- (1) a certification as specified in §1.97(e) is completed below; and
- (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

X **IV. Fee Authorization.** If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

If paragraph II.1 or III is checked, also check one of the paragraphs below

 I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

 This communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

 I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.

If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

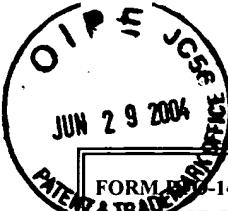
Date: _____

By: _____

James M. Urzedowski
Registration No.: 48596

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

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FORM PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)			ATTY DOCKET NO.: S63.2-10547		APPLICATION NO.: Not yet assigned		
			APPLICANT: Vrba				
			FILING DATE: Concurrently herewith		GROUP: Not yet assigned		
REFERENCE DESIGNATION			U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS				
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME		CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE
	AA	6,027,517	2/22/00	Crocker et al.		606/192	
	AB	6,315,708	11/13/01	Salmon et al.		600/3	
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY			
	BA						
	BB						
	BC						
	BD						
	BE						
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
	CA						
	CB						
	CC						
EXAMINER			DATE CONSIDERED				
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							



Modified Form 1449 UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY (COPIES ENCLOSED)	ATTY DOCKET NO.: S63.2-10547		APPLICATION NO. Not yet assigned
	APPLICANT: Vrba		
	FILING DATE: Concurrently herewith		GROUP: Not yet assigned

UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY

EXAM'S INIT	APPLICATION NO.	FILING DATE	INVENTOR(S)
DA			
DB			
DC			
DD			
DE			
DF			

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Modified Form 1449 US APPLICATIONS RELATED BY PRIORITY (COPIES NOT ENCLOSED)	ATTY DOCKET NO.: S63.2-10547		APPLICATION NO. Not yet assigned
	APPLICANT: Vrba		
	FILING DATE: Concurrently herewith		GROUP: Not yet assigned

US APPLICATIONS RELATED BY PRIORITY

EXAM'S INIT	APPLICATION NO.	FILING DATE	PATENT NO.	INVENTOR(S)	FORM 1449/892 ENC
EA	09/710,520	11/9/00		Vrba	X
EB	09/087,526	5/29/98	6,168,621	Vrba	X
EC					
ED					
EE					
EF					
EG					

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

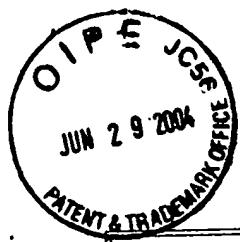
Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.



Modified Form 1449 UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY (COPIES ENCLOSED)		ATTY DOCKET NO.: S63.2-9527		APPLICATION NO. 09/710,520
		APPLICANT: Vrba		
		FILING DATE: November 9, 2000		GROUP: 3738
UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY				
EXAMINER'S INIT	APPLICATION NO.	FILING DATE	INVENTOR(S)	
DA				
DB				
DC				
DD				
DE				
DF				
EXAMINER		DATE CONSIDERED		
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.				

Modified Form 1449 US APPLICATIONS RELATED BY PRIORITY (COPIES NOT ENCLOSED)		ATTY DOCKET NO.:		APPLICATION NO.
		APPLICANT:		
		FILING DATE:		GROUP:
US APPLICATIONS RELATED BY PRIORITY				
EXAMINER'S INIT	APPLICATION NO.	FILING DATE	PATENT NO.	INVENTOR(S)
EA	09/087,526	5/29/98	6,168,621	Vrba
EB				
EC				
ED				
EE				
EF				
EG				
EXAMINER		DATE CONSIDERED		
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.				

Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14. 1 of 1



FORM PTO-1449 (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)			ATTY DOCKET NO: S63.2-6927		Serial No: 09/087,526	
			APPLICANT: Anthony Vrba			
			FILING DATE: May 29, 1998		Group: 3731	
REFERENCE DESIGNATION		U.S. PATENT DOCUMENTS				
EXAMINER	PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AA	5,383,892	01/04/1995	Cardon et al.			
AB	5,607,444	03/04/1997	Lam			
AC	5,632,762	05/27/1997	Myler			
AD	5,749,890	05/12/1998	Shaknovich			
AE	5,776,162	07/07/1998	Kleshinski			
AF						
AG						
AH						
AI						
AJ						
AK						
FOREIGN PATENT DOCUMENT OR PUBLISHED FOREIGN PATENT APPLICATION						
	DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OF PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION
BA	WO 98/19628	05/14/1998	PCT			YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
BB						
BC						
BD						
BE						
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)						
CA						
CB						
CC						
EXAMINER		DATE CONSIDERED				
EXAMINER: Initial citation considered. Draw line through citation if not in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						



Notice of References Cited

Application No. 09/087,526	Applicant(s) Anthony C. Vrba
Examiner Suzette Jackson	Group Art Unit 3738

U.S. PATENT DOCUMENTS

DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A 5,607,444	3/1997	Lam	606	194
B 5,383,892	1/1995	Cardon et al.	606	198
C 5,879,370	3/1999	Fischell et al.	606	193
D 5,643,312	1/1997	Fishell et al.	606	198
E 5,723,003	3/1998	Winston et al.	623	1
F 5,226,913	7/1993	Pinchuk	623	1
G 5,868,783	2/1999	Tower	606	198
H 5,639,278	6/1997	Dereume et al.	623	1
I				
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M				

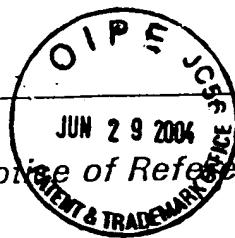
FOREIGN PATENT DOCUMENTS

DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N					
O					
P					
Q					
R					
S					
T					

NON-PATENT DOCUMENTS

DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
U	
V	
W	
X	

* A copy of this reference is not being furnished with this Office action.
(See Manual of Patent Examining Procedure, Section 707.05(a).)



Notice of References Cited

Application No. 09/087,526	Applicant(s) Anthony C. Vrba
Examiner Suzette Jackson	Group Art Unit 3738

U.S. PATENT DOCUMENTS

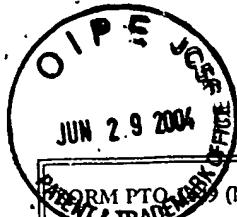
DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A 5,906,640	5/1999	Penn et al.	623	1
B				
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G				
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J				
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M				

FOREIGN PATENT DOCUMENTS

DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
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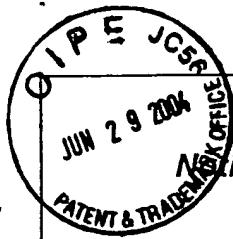
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DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
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JUN 29 2004

U.S. PATENT & TRADEMARK OFFICE FORM PTO-1449 (Modified) OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		ATTY DOCKET NO.: S63.2-9527		APPLICATION NO.: 09/710,520	
		APPLICANT: Anthony C. Vrba			
		FILING DATE: November 9, 2000		GROUP: 3738	
REFERENCE DESIGNATION		U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS			
		EXAM'S INIT.	DOCUMENT NUMBER	DATE	NAME
AA	6059810	5/9/00	Brown et al.	606/198	
AB					
AC					
AD					
AE					
AF					
AG					
AH					
AI					
AJ					
AK					
AL					
FOREIGN PATENT DOCUMENTS					
	DOCUMENT NUMBER	DATE	COUNTRY		
BA					
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BE					
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)					
CA					
CB					
CC					
EXAMINER		DATE CONSIDERED			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					



Notice of References Cited

Application/Control No.
09/710,520

Applicant(s)/Patent Under
Reexamination
ANTHONY VRBA

Examiner
Jackson J Suzette

Art Unit
3738

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,254,593-B1	03-2001	Wilson	606/1.11
	B	US-6,273,910-B1	08-2001	Limon	623/1.15
	C	US-6,168,621-B1	01-2001	Vrba	623/1.2
	D	US-6,096,071	08-2000	Yadav	623/1.15
	E	US-5,607,444	03-1997	Lam	606/194
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.